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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,236	11/14/2003	Christopher J. Stone	MOTO/BCS03178	6961

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EXAMINER	
SENFI, BEHROOZ M	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/714,236	STONE ET AL.	
	Examiner	Art Unit	
	Behrooz Senfi	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/28/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27 – 28 are rejected under 35 U.S.C. 101 because:

Regarding claims 27 - 28, it is noted that, the claim invention is directed to 'a computer readable carrier including program instructions that instruct a computer to perform a method'. However such computer claim does not fall within the statutory classes as set forth in Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (Official Gazette Notice of 22 November 2005), and as described in the specification *US 2005/0108778, page 5, paragraph 0048) of the instant application, a computer readable carrier, consider as a signal. Therefore such carrier does not result to a practical application, which produces a "useful, concrete and tangible result", as required in the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (Official Gazette Notice of 22 November 2005).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 - 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cloutier et al. (US 5,847,771).

Regarding claim 1, Cloutier discloses, a method of encoding a plurality of audio/video programs for simultaneous display on a display device (i.e. fig. 1, abstract, col. 5, lines 55 – 60), generating or recovering at least one non-composited digital transport stream having the plurality of AV programs (col. 6, lines 17 – 25) and augmenting the at least one non-composited digital transport stream with control information, the control information operative to invoke simultaneous display of the plurality of AV programs on the display device (i.e. col. 3, lines 30 – 35, col. 14, lines 66 – col. 15, lines 24) and transmitting the at least one non-composted digital transport stream as augmented over a digital link coupled to the display device (i.e. figs. 3 and 5, the display device 54).

Regarding claim 2, the limitations, transport stream comprises a single digital transport stream having a control packet associated with the plurality of AV program, reads on (MPEG header information, col. 13, lines 45 – 50).

Regarding claim 3, the limitation, identification data associated with each of the plurality of AV programs, reads on (col. 15, lines 13 – 17).

Regarding claim 4, Cloutier discloses, PMT and PIDs (col. 13, lines 33 – 36).

Regarding claims 5 - 6, the second control packets, each of the plurality of second control packets associated with a respective one of the plurality of AV programs, reads on (PMT and PID's associated with respective one of AV stream).

Regarding claim 7, Cloutier discloses, first control packet comprises a PAT, wherein each of the plurality of second control packets comprises a PMT, and wherein the identification data comprises packet identifiers PIDs associated with the PMT of each of the plurality of second control packets (col. 13, lines 28 – 37).

Regarding claim 8, Cloutier discloses, control information comprises a command having identification data (as disclosed in the instant application as PID) associated with the plurality of AV (col. 6, lines 19 – 21 and col. 15, lines 14 – 16).

Regarding claim 9, Cloutier discloses, operational code to invoke the simultaneous display, and wherein the identification data comprises plurality of pairs of source and destination plugs, each of the plurality of pairs of source and destination plugs associated with a respective one of the plurality of AV programs (reads on PID and PMT, col. 6, lines 17 – 25 and col. 8, lines 56 – 65).

Regarding claim 10, plurality of digital transport streams associated with a respective one of the AV programs (col. 5, lines 29 – 39).

Regarding claim 11, transport stream comprises a single digital transport stream associated with AV programs (col. 6, lines 17 – 25).

Regarding claim 12, the limitations claimed is a method of decoding of the audio/video data, which reads on (i.e. fig. 5, process of decoding AV programs).

Regarding claim 13, transport stream comprises a single digital transport stream having a control packet associated with the plurality of AV program, reads on (MPEG header information, col. 13, lines 45 – 50).

Regarding claim 14, identification data associated with each of the plurality of AV programs, reads on (col. 15, lines 13 – 17).

Regarding claim 15, Cloutier discloses, the claimed PMT and PIDs (col. 13, lines 33 – 36).

Regarding claims 16 – 17, the second control packets, each of the plurality of second control packets associated with a respective one of the plurality of AV programs, reads on (PMT and PID's associated with respective one of AV stream).

Regarding claim 18, Cloutier discloses the claimed, PAT, wherein each of the plurality of second control packets comprises a PMT, and wherein the identification data comprises packet identifiers PIDs associated with the PMT of each of the plurality of second control packets (col. 13, lines 28 – 37).

Regarding claim 19, Cloutier discloses, control information comprises a command having identification data (as disclosed in the instant application as PID) associated with the plurality of AV (col. 6, lines 19 – 21 and col. 15, lines 14 – 16).

Regarding claim 20, Cloutier discloses, operational code to invoke the simultaneous display, and wherein the identification data comprises plurality of pairs of source and destination plugs, each of the plurality of pairs of source and destination plugs associated with a respective one of the plurality of AV programs (reads on PID and PMT, col. 6, lines 17 – 25 and col. 8, lines 56 – 65).

Regarding claim 21, plurality of digital transport streams associated with a respective one of the AV programs (col. 5, lines 29 – 39).

Regarding claim 22, transport stream comprises a single digital transport stream associated with AV programs (col. 6, lines 17 – 25).

Regarding claim 23, an encoder for encoding a plurality of audio/video program comprising; a multiplexer unit for generating at least one non-composited digital transport stream (col. 5, lines 56 – 60) and a control information unit for augmenting the at least one non-composited digital transport stream with control information operative to invoke simultaneous display of the plurality of AV programs (col. 3, lines 30 – 40).

Regarding claim 24, interface circuitry for transmitting the at least one non-composited digital transport stream over digital link (figs 3 – 4, interface module).

Regarding claim 25, the limitations claimed are substantially similar to claim 12; therefore the ground for rejecting claim 12 also applies here.

Regarding claim 26, interface circuitry for receiving the at least one non-composited digital transport stream over a digital link in a decoder side (would have been necessitated by the system of Cloutier, also fig. 5, interface 85).

Regarding claim 27 – 28, the limitations claimed are substantially similar to claims 1 and 12, and are computer implemented method of claims 1 and 12; since the disclosure of Cloutier is computer implemented (i.e. col. 2, lines 37 – 45), therefore the ground for rejecting claims 1 and 12 also applies here.

Contact

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418.**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000,**

Or faxed to:

(571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.M.S.

TUNG VO
PRIMARY EXAMINER